

SHB 2459 - H AMD 928

By Representative Jenkins

1 On page 1, line 15, after "conservation," insert "the legal
2 requirements of this title with an emphasis on section 2 of this act,"

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4 On page 3, after line 36, insert the following:

5 "(11) During the firearm safety element of any hunter education
6 certificate program, the instructor must:

7 (a) Offer information as to the requirements for storage of a
8 hunting rifle or shotgun provided in section 2 of this act and provide
9 information about the availability and functions of locked boxes,
10 locks, or other devices that prevent firearms from discharging; and

11 (b) Conspicuously post, in a prominent location so that all
12 students may take notice, the following warning sign, to be provided
13 by the department, in block letters at least one inch in height:

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15 "IT IS UNLAWFUL TO STORE OR LEAVE AN UNSECURED, LOADED HUNTING
16 RIFLE OR SHOTGUN WHERE A CHILD CAN OBTAIN POSSESSION."

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19 On page 4, line 18, after "(3)" strike all material through "RCW."
20 on line 21 and insert "(a) Except as otherwise provided in this
21 section, a person is prohibited from storing or leaving a loaded
22 hunting rifle or shotgun in a location where the person knows, or
23 reasonably should know, that a child is likely to gain access.

24 (b) This subsection (3) does not apply if:

25 (i) The hunting rifle or shotgun is secured in a locked box, gun
26 safe, other secure locked storage space, or secured with a lock or any
27 device that prevents the hunting rifle or shotgun from discharging;

1 (ii) The child's access to the hunting rifle or shotgun is
2 supervised by an adult;

3 (iii) The child's access to the hunting rifle or shotgun was
4 obtained as a result of an unlawful entry; or

5 (iv) The child's access to the hunting rifle or shotgun was in
6 accordance with RCW 9.41.042.

7 (c) If a death or serious injury occurs as a result of an alleged
8 violation of this subsection (3), the prosecuting attorney may decline
9 to prosecute, even though technically sufficient evidence to prosecute
10 exists, in situations where prosecution would serve no public purpose,
11 would defeat the purpose of the law in question, or would result in
12 decreased respect for the law.

13 (d) Nothing in this subsection (3) mandates how or where a hunting
14 rifle or shotgun must be stored.

15 (4)(a) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise:

17 (i) "Accompanied" has the same meaning as defined in RCW
18 77.32.155; and

19 (ii) "Child" means a person under the age of sixteen years.

20 (b) When appropriate, the definitions provided in RCW 9.41.010
21 apply throughout subsection (3) of this section.

22 (5)(a) A violation of subsection (1) this section is a natural
23 resource infraction subject to the provisions of chapter 7.84 RCW.

24 (b) A violation of subsection (3) of this section is a gross
25 misdemeanor if the elements of subsection (3) are violated and a child
26 obtains possession of a hunting rifle or shotgun."

EFFECT: Creates, with exceptions, a gross misdemeanor for a loaded hunting rifle or shotgun to be stored in a location where the person knows, or reasonably should know, that a child under the age of sixteen is likely to gain access and requires hunter education instructors to provide information regarding the above potential criminal liability.

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